

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re VEGA.

Case No. [22-cv-03246-HSG](#)

ORDER OF DISMISSAL

On June 3, 2022, the Court docketed a filing received from Jose Vega, who is currently housed at California State Prison – Sacramento in Represa, California. Dkt. No. 1. Plaintiff stated that he wanted to file a medical lawsuit against the county jail and state prison for lack of medical attention. Because Plaintiff sought relief from this Court, the Court construed this letter as an attempt to open a civil rights action pursuant to 42 U.S.C. § 1983. The Court opened an action pursuant to this filing. That same day, the Court sent Plaintiff deficiency notices, instructing Plaintiff that he was required to file his complaint on a complaint by a prisoner form and to either pay the filing fee or file an application for leave to proceed *in forma pauperis*. Dkt. Nos. 2, 3. The Court sent Plaintiff a copy of a complaint form and request for leave to proceed *in forma pauperis*. Dkt. Nos. 2, 3. The Court also sent Plaintiff a notice that his case had been assigned to a magistrate judge. Dkt. No. 4. These documents were sent to the return address listed on the pleading, North Kern State Prison. On June 8, 2022, the Court corrected Plaintiff's address in the docket to reflect the address listed in the CDCR Inmate Locator (California State Prison – Sacramento), and resent Dkt. Nos. 2, 3, 4 to Plaintiff at the updated address.


The deadline to file a complaint and either pay the filing fee or file an application for leave to proceed *in forma pauperis* has since passed. Plaintiff has not communicated with the Court,

1 and has not filed the required documents.

2 This action cannot proceed without a complaint on the proper form and either the filing fee
3 or an application to proceed *in forma pauperis*. Accordingly, this action is DISMISSED for
4 failure to file a complaint and for failure to either pay the filing fee or file an application to
5 proceed *in forma pauperis*. The dismissal is without prejudice to Plaintiff filing a motion to
6 reopen the action. Any motion to reopen must be accompanied by a complaint on the proper form
7 and either the filing fee or an application to proceed *in forma pauperis*. The Clerk shall enter
8 judgment against Plaintiff and close the case.

9 **IT IS SO ORDERED.**

10 Dated: 8/9/2022

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12 HAYWOOD S. GILLIAM, JR.
13 United States District Judge
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